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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/733,707	12/08/2000	Pontus Soderstrom	AXISP001	1724
28436	7590	08/02/2004	EXAMINER	
IP CREATORS P. O. BOX 2789 CUPERTINO, CA 95015			MIRZA, ADNAN M	
			ART UNIT	PAPER NUMBER
			2141	

DATE MAILED: 08/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/733,707

Applicant(s)

SODERSTROM ET AL.

Examiner

Adnan M Mirza

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 08 December 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 December 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 05/06/07/17/02.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1-10 are rejected under 35 U.S.C. 102(e) as being unpatentable by Knight et al (U.S. 6,289,375).

As per claim 1 Knight et al disclosed an apparatus for providing I/O access to an optical storage media on at least one data storage device across a network, and the apparatus comprising: a network module configured to couple to the network for sending and receiving data packets; a first stage coupled to the network module for receiving the data packets to be written to the optical storage media; and a second stage serially coupling the first stage to the at least one storage device (col. 6, lines 41-67). Examiner interpreted the host computer connected to

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separate network management program where it consists of network controller to “*first stage coupled to network module for receiving the data packets to be written to the optical storage media*”, The first and the second stage is interpreted as two step process, and the second stage for aggregating the received data packets corresponding with a plurality of files from the first stage and writing aggregated data corresponding thereto to the optical storage media on the at least one storage device (col. 6, lines 59-67). In the prior art Knight disclosed, “*data is stored in multiple storage devices in storage network. Host system is not directly connected to storage network in this example. Host system performs the function of managing storage network. Additionally, within any single network the storage devices may be a heterogeneous collection of storage devices of different types*”. Examiner interpreted the above statement by Knight as the Host received the data to be written on the optical storage device in the first step process and in the second step process the data is being pulled from the host and local sites and being saved on the CD-ROM or any optical storage device.

3. As per claims 2,9 Knight disclosed further comprising: a processor coupled to the first stage, the second stage and the at least one storage device, and the processor generating data structures for the received data packets in a format selected for the optical storage media and with addresses corresponding with the location of the data packets in selected ones of the first stage, the second stage, and the optical storage media (col. 7, lines 54-67 & col. 8, lines 1-4).

4. As per claims 3,10 Knight disclosed wherein the data structures include: information control blocks (ICBs) each associated with a file and each containing a list of extents for the

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associated file and with selected ones of the extents corresponding with a coalescing of sequential packets from a selected file into a larger extent (col. 13, lines 46-67).

5. As per claim 4 Knight disclosed a method for providing I/O access at least one data storage device across a network, and the method comprising the acts of: coupling to the network for input and output of data; coalescing data received from the network which corresponds with a selected file or data stream; aggregating data from a plurality of selected files or files coalesced in said act of coalescing; and storing said data aggregated in said act of aggregating (col. 6, lines 41-67).

6. As per claim 5 Knight disclosed an apparatus for providing I/O access to at least one data storage medium across a network, and the apparatus comprising: a network module configured to couple to the network for sending and receiving data packets; at least one data storage device coupled to said network module and at least one data storage device for providing an input and an output of datum stored on the at least one data storage medium in directory and file structures (col. 6, lines 41-67); a hard drive coupled to said network module, a processor coupled to at least one data storage device and the hard drive, and the processor responsive to a boot up of the at least one data storage device to cache on the hard drive a selected cached one of directory and file structures corresponding with the directory and file structures together with the corresponding datum (col. 13, lines 46-67).

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7. As per claim 6 Knight disclosed a method for providing I/O access across a network to at least one data storage medium with datum stored in directory and file structures, and the method of comprising the acts of: coupling to the network for sending and receiving data packets; caching during a boot phase of operation a selected cache one of directory and file structures corresponding with the directory and file structures together with the corresponding datum (col. 6, lines 41-67); responding to an I/O access request to display the associated directory and file structures for the at least one data storage medium to display a cached copy of the directory and file structures; and responding to an I/O access request to read datum corresponding with a file on the at least one data storage medium to read a cached copy of the datum when the selected cached one includes the corresponding datum (col. 12, lines 29-49).

8. As per claim 7 Knight disclosed with the processor further responsive to a request to display the directory and file structures for the at least one data storage medium to display a cached copy of the directory and file structures from the hard drive (col. 7, lines 54-67 & col. 8, lines 1-4).

9. As per claim 8 Knight disclosed with the processor further responsive to a read I/O access request for a file on the at least one data storage medium to read the corresponding datum from the hard drive when the selected cached one includes the corresponding datum (col. 12, lines 29-49).

### ***Conclusion***

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10. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Adnan Mirza whose telephone number is (703)-305-4633.

11. The examiner can normally be reached on Monday to Friday during normal business hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dharia Rupal can be reached on (703)-305-4003. The fax for this group is (703)-746-7239.

12. The fax phone numbers for the organization where this application or proceeding is assigned are as follows:

(703)-746-7239 (For Status Inquiries, Informal or Draft Communications, please label "PROPOSED" or "DRAFT");

(703)-746-7239 (For Official Communications Intended for entry, please mark "EXPEDITED PROCEDURE"),

(703)-746-7238 (For After Final Communications).

13. Any Inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)-305-3900.

Any response to a final action should be mailed to:

BOX AF

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Commissioner of Patents and Trademarks Washington, D.C.20231


Or faxed to:

Hand-delivered responses should be brought to 4<sup>th</sup> Floor Receptionist, Crystal Park II,  
2021 Crystal Drive, Arlington, VA 22202.

AM

Adnan Mirza

Examiner

  
RUPAL DHARIA  
SUPERVISORY PATENT EXAMINER